

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-mj- 167

John Thomas Ermin, a/k/a "Tommy O",

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of December 7, 2023, in the County of Erie, in the Western District of New York, the defendant did possess firearms while being an unlawful user of controlled substances, in violation of Title 18, United States Code, Section 922(g)(3).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Thomas V. Weis

Complainant's signature

THOMAS V. WEIS
SPECIAL AGENT
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: December 7, 2023

H. Kenneth Schroeder, Jr.

Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **THOMAS V. WEIS**, being duly sworn, depose and state:

AGENT BACKGROUND AND INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), United States Department of Justice. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

2. I have served as an FBI Special Agent since March of 2017. During that time, I have participated in investigations involving drug trafficking and organized crime matters. In addition, I have had the opportunity to work with several other FBI agents and other law enforcement agents and officers of varying experience levels, who have also investigated obstruction of justice matters and drug trafficking networks, with regard to the manner in which controlled substances are obtained, diluted, packaged, distributed, sold and used within the framework of drug trafficking in the Western District of New York. As a result of my experience, I am familiar with how controlled substances are obtained, diluted, packaged, distributed, sold, and used in the framework of drug trafficking in the Western District of New York and how drug traffickers utilize wire communications to facilitate their illegal activities. Further, I am familiar

with how individuals utilize wire communications to facilitate the sharing of information, including Law Enforcement activity and/or potential investigations into illegal activities. My investigative experience detailed herein, and the experiences of other law enforcement agents, who are participating in this investigation, serve as the basis for the opinions and conclusions set forth herein.

3. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation, discussions with other agents of the FBI, and other law enforcement officials, interviews of witnesses, and my review of relevant records and reports. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by an FBI agent, law enforcement officer, or witness who had either direct or hearsay knowledge of that statement, to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among statements made by others and are stated in substance and in part unless otherwise indicated. Any interpretations or opinions rendered in this affidavit are based on my training and experience, and upon my consultation with other experienced investigators, in the context of the facts of this investigation.

4. I have set forth only the facts that I believe are necessary to establish probable cause that:

- a. **JOHN ERMIN A/K/A "TOMMY O"** (hereinafter "**ERMIN**") has committed violations of Title 18, United States Code, Section 922(g)(3) (unlawful user of controlled substances in possession of firearms and ammunition).

5. This affidavit is provided for the limited purpose of establishing probable cause to support the attached complaint and therefore does not contain each and every detail of the investigation.

PROBABLE CAUSE

1. **ERMIN** is the International President of the Outlaws MC following the death of its longtime leader, a notorious crime figure named Harry “Taco” Bowman. As such, the FBI assesses that **ERMIN** is the most powerful member of the Outlaws MC, and he has the ability to command legions of members and associates of the Outlaws MC, and has considerable influence over support clubs loyal to the Outlaws MC, such as the RBMC.

2. The Outlaws MC have maintained a presence in the Buffalo, New York area unabated, and have been the dominant 1% biker club in the region.

3. The Outlaws MC maintains a clubhouse that has been active in Buffalo for decades and it is a location where there have been numerous reports of drug use and distribution over a period of years. The Outlaws MC are also involved in the possession of firearms in the context of the criminal activity in which they are involved.

4. On December 5, 2023, the FBI obtained a federal search warrant (the “Warrant”) authorizing the search of **JOHN ERMIN’s** residence at 41 Richmond Avenue, Lancaster, NY 14086 (the subject premises).

5. In executing the Warrant on December 7, 2023, FBI agents discovered approximately fifteen (15) firearms and marijuana in amounts consistent with personal use.

6. Among these firearms are a Ruger, Model 1022 carbine, 22 LR caliber with serial number 247-30699, and a Savage Mark II, 22 LR caliber with serial number 1529814. On December 7, 2023, Special Agent William Farnham, a certified Firearms Interstate Nexus Expert with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), was consulted and provided an interstate nexus determination of the above-mentioned firearms, found at **ERMIN'S** residence. SA Farnham determined, based upon his personal knowledge, experience, research, and review of the Ruger, Model 1022 carbine, 22 LR caliber with serial number 247-30699, and the Savage Mark II, 22 LR caliber with serial number 1529814 that the above-mentioned firearms were manufactured outside of the State of New York and would have traveled in and affected interstate commerce prior to their recovery in the State of New York. Additional firearms located at **ERMIN'S** residence will be analyzed at a later date.

7. Photographs of some of the recovered firearms are depicted below:



8. In addition, a large amount of ammunition was observed.

9. **ERMIN** informed law enforcement that there were guns and drugs in the SUBJECT PREMISES. **ERMIN** clarified that there was marijuana in the house and that it was for recreational use, and not prescribed.

10. **ERMIN's** statement to law enforcement, that the marijuana in the house was for recreational purposes and not prescribed, supports the conclusion that **ERMIN** is an unlawful user of controlled substances, to wit: marijuana:

11. The above-mentioned marijuana was observed and recovered from within **ERMIN's** bedroom.

12. Based upon the recovery of the above-described firearms and marijuana, and **ERMIN's** statement that the marijuana was for "recreational use", there is probable cause to believe that **ERMIN** committed a violation of Title 18, United States Code, 922(g)(3) (unlawful user of controlled substances in possession of firearms and ammunition).

CONCLUSION

WHEREFORE, based upon the foregoing, I respectfully submit that there is probable cause to believe that **JOHN ERMIN A/K/A “TOMMY O”** has committed violations of the Title 18, United States Code, Section 922(g)(3).

Thomas V. Weis

THOMAS V. WEIS
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed telephonically
this 7th day of December, 2023.

H. Kenneth Schroeder, Jr.

HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge